

W. 2

(205)


~~E. S. 225/91 (104)~~

13



A N  
A C T  
F O R

Opening a new Road from *Milford*, in the County of *Pembroke*, to *Stainton*; and for Amending and Widening the Road from the said new Road through *Stainton* and *Johnson*, to *Merlin's Bridge*, in the same County.

 **W**HEREAS a Market Town, called *Milford*, is in building within the Manor of *Hubberston* and *Pill*, adjoining to *Milford Haven*, in the County of *Pembroke*, and there is not at present any public Road from the said Town to *Stainton*, in the said County; and the present public Road, from the intended new Road through *Stainton* and *Johnson* to *Merlin's Bridge* is greatly out of Repair, and in many Parts narrow and incommodious for Travellers, and cannot be properly amended, widened, and kept in good Repair by the ordinary Course of Law: Preamble.

And whereas the opening, and making, and fencing such new Road as aforesaid, and amending, widening, and keeping in Repair



pair the Road from the intended Road through *Stainton*, and through *Johnson*, to *Merlin's Bridge*, will be a great Benefit to all Persons residing or having Estates in that Part of the County, and of public Utility:

May it therefore please Your MAJESTY,

Trustees.

Appointment  
of new Trustees.

Qualification  
of Trustees.

That it may be Enacted; And be it Enacted by the KING's Most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *William Allen*, *Francis Andrew*, *Hugh Barlow*, Esquire, *John Campbell*, Esquire, *William Davies*, *Herbert Foley*, Esquire, the Right honourable *Charles Greville*, Sir *William Hamilton*, Knight of the Most honourable Order of the Bath, *David Hughes*, Esquire, the Reverend *John Jordan*, the Right honourable *William Lord Kensington*, in the Kingdom of *Ireland*, *Nathaniel Levet*, *Henry Matthias*, Esquire, *Richard Matthias*, *John Meyrick*, Esquire, the Right honourable *Richard Lord Milford*, in the Kingdom of *Ireland*, *John Mirehouse*, Esquire, *Thomas Morris*, *George Parry*, Esquire, *Peter Parvin*, *George Phelps*, the Reverend Doctor *John Philipps*, *John Symmons*, Esquire, *Thomas Williams*, Esquire, and *Thomas Wright*, Esquire, and their Successors, to be appointed in the Manner hereinafter mentioned, shall be and are hereby appointed Trustees for opening, and making, and fencing such new Road as aforesaid, and for keeping the same in Repair, and for amending the Road from the said new Road through *Stainton* and *Johnson* to *Merlin's Bridge*, and for putting this Act in Execution; and that when any Trustee by this Act appointed, or to be appointed, as hereinafter mentioned, shall die, or shall refuse to act in the Execution of the Powers hereby granted, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, under their Hands and Seals, to appoint a Trustee in the Room of every Trustee dying or refusing to act, and every Person so appointed shall and may act in the Execution of this Act as fully as any Trustee hereby appointed is empowered to act.

Provided always, and be it further Enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be, in his own Right, or in Right of his Wife, in the actual Possession and Enjoyment, or Receipt, of the Rents and



## [ 3 ]

and Profits of Lands, Tenements, or other Hereditaments, of the clear Yearly Value of Forty Pounds, or shall be Heir Apparent of some Person having such an Estate of the clear Yearly Value of Eighty Pounds, or shall be possessed of a Personal Estate to the Amount or Value of Eight hundred Pounds; and if any Person not so qualified shall presume to act as a Trustee in the Execution of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Forty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record by Action of Debt or on the Case, and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof made of his having acted as a Trustee in the Execution of this Act: Provided nevertheless, that such Acts and Proceedings which shall have been done and performed by any such Person, touching the Execution of this Act, previous to his being convicted of the Offence before mentioned, shall, notwithstanding such Conviction, be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

Provided also, That such of the said Trustees as are or shall be in the Commission of the Peace for the County of *Pembroke* may nevertheless act as Justices of the Peace in the Execution of this Act, except only in such Cases where they shall be personally interested, but no Person shall be capable of acting as a Trustee in the Execution of this Act in any Case where he shall be concerned in Interest, or during the Time he shall hold any Place of Profit under this Act.

Trustees may  
act as Jus-  
tices.

And be it further Enacted, That the said Trustees, or any Meetings. Five or more of them, shall meet on the Twenty-fourth Day of May One thousand Seven hundred and Ninety-one, at the *White Hart Inn*, in the Town of *Haverfordwest*, within the said County, and shall proceed to the Execution of this Act, and shall and may then, and from Time to Time afterwards, adjourn themselves, and afterwards meet at the same or any other Place or Places, as the said Trustees, or any Five or more of them, shall think proper and necessary for putting this Act into Execution; and if it shall happen that there shall not appear, at any Meeting appointed to be holden in pursuance of this Act, a sufficient Number of Trustees to act, or to adjourn to another Day, then the Clerk to the said Trustees shall adjourn such Meeting to some Day, from the Day on which such Meeting was appointed to be holden,



holden, and shall cause Notice thereof to be affixed on all the Turnpikes which shall be erected by virtue of this Act, at least Ten Days before the Day to which such Meeting shall be so adjourned; and the said Trustees at their Meetings shall defray their own Expences; and all Orders and Determinations of the said Trustees in the Execution of this Act shall be made at Meetings to be held in pursuance of this Act, and not otherwise, and no such Order or Determination shall be valid, unless the Majority of the Trustees present at a Meeting shall concur therein, such Majority not being less than the Number of Trustees by this Act authorized to make such Order or Determination, nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless Ten or more Trustees shall be present, and concur therein; provided nevertheless, that Two Trustees shall be sufficient for the Purposes only of adjourning the Meetings of the Trustees.

Trustees may  
appoint Of-  
ficers.

Security to  
be taken  
from the  
Treasurer  
and Collec-  
tors.

No Victualler  
to hold a  
Place of Pro-  
fit under the  
Act.

Officers to  
account.

And be it further Enacted, That the said Trustees, or any Five or more of them, may and are hereby authorized and impowered, from Time to Time, by Writing under their Hands, to appoint a Clerk, Treasurer, and Surveyor or Surveyors of the said Roads, and also such Collectors of the Tolls hereby granted, and such other Officers, as they shall think necessary or proper, and any such Clerk, Treasurer, Surveyor, Collectors, and other Officers, from Time to Time to remove or displace, as they shall think fit; and the said Trustees, or any Five or more of them, shall and are hereby required to take such Security from every such Treasurer and Collector, for the due and faithful Execution of his Office, as they shall think proper, and may and are hereby authorized and impowered, out of the Money arising by virtue of this Act, to allow and pay to every such Clerk, Treasurer, Surveyor, Collector, and other Officer to be appointed as aforesaid, and to such other Persons as shall be employed in or about the Execution of this Act, such Salaries or other Allowances, for their Attendance, Care, and Services therein, as to the said Trustees shall seem reasonable; but no Person shall be capable of holding any Place of Profit under the said Trustees, who shall sell any Ale, Wine, or Spirituous Liquors, by Retail; and every Treasurer, Collector, and other Officer and Person, who shall be employed in the Receipt and Expenditure of any of the Money which shall be collected or received by virtue of this Act, shall from Time to Time, as often as thereunto required by the said Trustees, or any Five or more of them, produce and give to the said Trustees,

or



## [ 5 ]

or any Five or more of them, or to such Person as they shall appoint, a true and perfect Account, in Writing under his Hand, of all the Money which he shall have collected or received, and how and to what Uses the same hath been paid and applied, together with proper Receipts and Vouchers for such Payments, and shall pay all such Money as shall remain in his Hands to such Person as the said Trustees, or any Five or more of them, shall direct and appoint, and every such Officer and other Person shall verify every such Account upon Oath, if thereunto required by the said Trustees, or any Five or more of them (which Oath any Two of the said Trustees are hereby impowered to administer); and in case any such Officer or Person shall refuse or neglect to pay the Money which shall appear to remain in his Hands, according to the Directions of this Act, it shall be lawful for any Two Justices of the Peace for the County or Place wherein such Person shall be or reside, to make Enquiry touching such Neglect or Refusal in a summary Way, as well by the Confession of the Party, as by the Oath of any credible Witness (which Oath such Justices are hereby impowered and required to administer without Fee or Reward) and by Warrant under their Hands and Seals to cause such Money as shall appear to them to be due and unpaid to be levied by Distress and Sale of the Goods and Chattels of such Person, rendering the Overplus (if any) after the Money remaining due, and the Charges of making such Distress and Sale, shall be deducted; and if sufficient Distress cannot be found, or if it shall appear to any such Justices, in Manner aforesaid, that any such Officer or other Person shall refuse or wilfully neglect to give such Account, or to verify the same in Manner as aforesaid, or to deliver up to the said Trustees, or to such Person as they, or any Five or more of them, shall appoint, within Five Days next after being thereunto required by the said Trustees, all Books, Papers, and Writings in his Custody or Power, relating to the Execution of his Office, or of this Act, such Justices shall commit him to the Common Gaol, there to remain, without Bail or Mainprize, until he shall make and give a true and perfect Account, and verify the same in Manner aforesaid, and shall have paid the Money (if any) remaining in his Hands as aforesaid, according to the Direction of the said Trustees, or any Five or more of them, or compounded with the said Trustees, or any Five or more of them, for such Money, and paid such Composition according to their Direction, or until he shall deliver up such Books, Papers, and Writings as aforesaid, which said Composition the said Trustees, or any Five or more of them, are hereby im-

B powered



powered to make and receive; but no such Officer who shall be committed on Account of his not having sufficient Goods and Chattels as aforesaid shall be detained in Prison for any longer Time than Six Calendar Months: Provided always, that when any such Collector of the said Tolls shall die, or become incapable of performing his Duty, it shall be lawful for any Three or more of the said Trustees, although not assembled at a Meeting in pursuance of this Act, by Writing under their Hands to appoint a Person to be Collector of such Tolls, and the Person so appointed shall have the like Power and Authority for the collecting, receiving, and recovering thereof, as the Person he shall succeed was invested with, until the said Trustees, or any Five or more of them, shall, at a Meeting to be holden by virtue of this Act, appoint a Collector of the said Tolls, any Thing hereinbefore contained to the contrary notwithstanding.

Trustees may  
erect Turn-  
pikes;

And be it further Enacted, That the said Trustees, or any Five or more of them, shall and may cause to be erected such Turnpikes upon or across such Parts of the said Road, between the said Town of *Milford* and *Merlin's Bridge* aforesaid, and at or near the Sides of the said Road, across any Lanes or Ways leading into the said Road, as they shall think proper, and also a Toll House to every such Turnpike (if they think necessary) and shall and may inclose any adjoining Part of the said Road, to be used as a Garden to every such Toll House, and shall cause to be demanded and taken at every such Turnpike the following Tolls, before any Cattle or Carriage shall be permitted to pass through the same; (that is to say)

and collect  
Tolls.

Tolls.

For every Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Caravan, Hearse, or Litter, drawn by Six Horses, Mares, Geldings, or Mules, the Sum of Two Shillings; and drawn by Four Horses, Mares, Geldings, or Mules, the Sum of One Shilling and Six Pence; and drawn by Two Horses, Mares, Geldings, or Mules, the Sum of One Shilling; and drawn by One Horse, Mare, Gelding, or Mule, the Sum of Six Pence:

For every Waggon or other Four-wheeled Carriage, laden with Lime, Coal, Culm, Compost, or Manure, drawn by any Number of Horses, not exceeding Five, or by any Number of Oxen not exceeding Six, the Sum of One Shilling; and drawn by more than Five Horses, the Sum of Three Pence for every Horse above that Number; and drawn by more than Six Oxen, the



[ 7 ]

the Sum of One Penny Halfpenny for every Ox above that Number :

For every Cart, or other Two-wheeled Carriage, laden with Lime, Coal, Culm, Compost, or Manure, drawn by Four or more Beasts, the Sum of Four Pence; and drawn by a less Number of Beasts, the Sum of Three Pence :

For every Horse, Mare, Gelding, Mule, Afs, or other Beast, drawing any Waggon, Wain, Cart, or other Carriage, laden otherwise than with Lime, Coal, Culm, Compost, or Manure, or unladen, unless going for Lime, Coal, Culm, Compost, or Manure, the Sum of Three Pence :

For every Horse, Mare, Gelding, Mule, or Afs, laden or unladen, and not drawing, the Sum of One Penny :

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten Pence *per* Score; and so in Proportion for any less Number: And

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five Pence *per* Score; and so in Proportion for any less Number.

Which said respective Tolls shall be and are hereby vested in the said Trustees for the Purposes of this Act; and if any Person subject to the Payment of any of the said Tolls shall, after Demand thereof made by any Collector of the Tolls to be appointed as aforesaid, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for such Collector to seize and distrain any Carriage, or any Horse, or other Beast or Cattle, upon or in respect of which any such Tolls are by this Act imposed, or any of the Goods or other Things in any such Carriage, or carried or conveyed by any such Horse or other Beast, and to detain the same until such Tolls, and the reasonable Charges of detaining and keeping such Horse, or other Beast or Cattle, shall be paid, and if such Tolls, and the reasonable Charges of such Seizure and Distress, and of detaining and keeping the same, shall not be paid within the Space of Five Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Carriage, or the Horse, or other Beast or Cattle, or Goods or other Things, so seized and distrained, rendering the Overplus (if any) on Demand to the Owner thereof, after such Tolls, and all reasonable Charges, shall be deducted.

And be it further Enacted, That the said Turnpikes and Toll Houses, and the Materials of which the same shall consist, and

Turnpikes  
and Toll  
Houses vested  
in Trustees.



and all Materials and other Things which shall be provided or purchased by the said Trustees, or by their Surveyor or Surveyors, for the Purposes of this Act, shall be and are hereby vested in the said Trustees, and they, or any Five or more of them, are hereby authorized and impowered to cause any Actions to be brought in the Name of their Treasurer or Clerk, or to direct the preferring of Indictments against any Person or Persons who shall dig up, break, or pull down, steal, take, or carry away, spoil, injure, or destroy, any such Turnpike or Toll House, or any Part thereof, or any of the Materials or other Things which shall be provided or purchased as aforesaid.

Toll to be  
paid but Once  
a Day.

**Provided always, and be it further Enacted,** That no Person shall be subject to the Payment of any of the Tolls by this Act granted, more than Once in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) for passing and repassing any Time or Times, with the same Carriage, Horse, or other Beast or Cattle, through all or any of the Turnpikes to be erected by virtue of this Act upon, or at or near the Sides of the Road, the respective Person having paid the Toll producing a Ticket to the Collectors of the Tolls denoting such Payment, which Ticket the Collectors of the Tolls are hereby required to give *gratis*, on the Receipt of such Tolls.

Tolls may be  
lessened.

**And be it further Enacted,** That it shall be lawful for the said Trustees, or any Five or more of them, and they are hereby impowered, from Time to Time, with the Consent of such Person or Persons as shall be entitled to Three Fourth Parts or more of the Money which shall be then due and owing upon the Credit of the said Tolls, to lessen or reduce all or any of the said Tolls for such Time or Times as the said Trustees, or any Five or more of them, shall think proper, and may afterwards from Time to Time advance all or any of the Tolls so lessened or reduced to any Sum or Sums of Money, not exceeding the respective Rates hereinbefore mentioned, and such reduced or advanced Tolls shall and may be collected, levied, and recovered in such and the same Manner as the Tolls hereby granted are directed to be collected, levied, and recovered: **Provided nevertheless,** that no such Alteration shall be made in any of the said Tolls, unless Ten Days previous Notice at the least of the Meeting to be holden for that Purpose shall have been given in some News-paper published or circulated within the said Counties.

**Provided**



## [ 9 ]

**Provided always, and be it further Enacted, That no Person** Exemptions.  
shall be charged with or subject to the Payment of any of the  
said Tolls for or in respect of any Carriages employed in carry-  
ing or conveying any Stones, Gravel, or other Materials for re-  
pairing the said Road, or any other Roads or Highways within  
any of the Parishes within which the said Road doth lie, or any  
Hay, Straw, or Corn in the Straw, not sold or disposed of, but to  
be laid up in the Houses, Out Houses, Barns, Yards, or Backsides  
of the Owners thereof; or any Plough, Harrow, or other Imple-  
ment of Husbandry, or any other Thing whatsoever employed in  
Husbandry; or for or in respect of any Horses, or other Cattle or  
Sheep, going to or returning from Pasture or Watering Places;  
or any Carriages or Horses employed in conveying the Mails of  
Letters and Expresses under the Authority of His Majesty's Post  
Master General; or for or in respect of any Carriage, Horse, or  
other Beast, carrying any of the Inhabitants of the said Parishes,  
on a *Sunday*, to or from any Church, Chapel, or other Place of  
Religious Worship, licensed by Law, to which they usually  
resort; or attending the Funeral of any Person who shall die and  
be buried within any of the said Parishes; or carrying any Clergy-  
man, or licensed Minister, going to or returning from visiting any  
sick Person, or upon other his Parochial or Ministerial Duty, or  
for any Horses belonging to Officers or Soldiers upon their March  
or upon Duty; or for any Carriage, Horses, or other Beasts or  
Cattle, employed in carrying or conveying the Arms or Baggage  
of any such Officers or Soldiers, or in carrying any sick, wounded,  
or disabled Officers or Soldiers; or for any Carriage or Horse  
carrying Vagrants sent by legal Passes; or carrying any Person to  
or from any Election of a Knight of the Shire or Member to  
serve in Parliament for the County of *Pembroke*, the Borough of  
*Pembroke*, or the Town and County of *Haverfordwest*, during the  
Time of such Election, or on the Day before or Day after such  
Election shall begin or be concluded; or for any Carriage, Horse,  
or other Beast or Cattle, unless the same shall pass for the Space  
of Three hundred Yards upon some Part of the said Road: Pro-  
vided always, that no Person shall, after the First Day of *January*  
One thousand Seven hundred and Ninety-three, be entitled to any  
of the said Exemptions for any Carts or other Carriages having  
the Binding of the Wheels thereof fastened or secured by Nails pro-  
jecting over the Surface of the Iron or Binding, commonly known  
or distinguished by the Name of Rose-headed Nails: Provided  
also, that if any Person shall claim and take the Benefit of any of  
the Exemptions aforesaid, not being entitled to the same, every  
C such



such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Penalty on  
evading the  
Tolls.

Provided also, and be it further Enacted, That if any Person or Persons shall with any Carriage or Horse, or other Beast or Cattle, pass through any Land or Ground adjoining or lying near to any Turnpike to be erected by virtue of this Act (the same not being a public Highway) or if the Owner or Occupier of any such Land or Ground shall knowingly permit or suffer any Person or Persons, with any Carriage or Horse, or other Beast or Cattle, to pass through the same, whereby the Payment of any of the said Tolls shall be avoided, or if any Person shall give to or receive from any Person, other than the Collectors of the said Tolls, any Ticket by this Act directed to be given by the said Collectors, or shall forge or counterfeit any such Ticket, or make use of any such forged or counterfeited Tickets, knowing the same to be forged or counterfeited, whereby the Payment of any of the said Tolls shall be avoided, or if any Person shall forcibly pass through any of the said Turnpikes with any Carriage or Horse, or other Beast or Cattle, without Payment of the Tolls for the same, or shall take off, or cause to be taken off, any Horse, or other Beast or Cattle, from any Carriage, or leave, or cause to be left, upon or near to any Part of the said Roads any Horse, or other Beast or Cattle, or any Goods, and shall thereby avoid the Payment of any of the said Tolls, every Person offending in any of the Cases aforesaid shall, for every such Offence, forfeit any Sum not exceeding Forty Shillings, whereof One Half shall be paid to the Informer.

Tolls may be  
let.

And be it further Enacted, That the said Trustees, or any Five or more of them, shall and may, and they are hereby empowered, by Writing under their Hands and Seals, at any Time or Times, to let to farm the Tolls by this Act granted, or any Part thereof, unto any Person or Persons, for any Term not exceeding Three Years at any One Time, Ten Days Notice of the Intention of such letting being given in some News-paper published or circulated within the said Counties, and also upon all the Turnpikes which shall be then standing upon the said Roads, for the best Rent they can get for such Tolls, to be payable to the Treasurer to the said Trustees, with such Covenants therein to be contained as the said Trustees, or any Five or more of them, shall think proper and requisite.

And



[ 11 ]

And be it further Enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to borrow and take up at Interest such Sum or Sums of Money as they shall think fit, upon the Credit of the said Tolls, and by Writing under their Hands and Seals to mortgage or assign over the said Tolls, or any Part thereof (the Charges of such Mortgages or Assignments to be paid out of the said Tolls) to any Person or Persons, his, her, or their Executors, Administrators, and Assigns, for any Term during the Continuance of this Act, as a Security for the Re-payment of the Money that shall be so borrowed, with the Interest thereof; which Mortgages or Assignments may be in the Form or to the Effect following:

Power to borrow Money.

“ By virtue of an Act of Parliament made in the Thirty-  
“ first Year of the Reign of King George the Third, inti-  
“ tuled [*Insert the Title of the Act*] We, whose Names  
“ are hereunto subscribed, being Trustees for putting in  
“ Execution the said Act, in Consideration of the Sum  
“ of \_\_\_\_\_ now advanced and paid by A. B.  
“ do hereby assign unto the said A. B. his Executors, Ad-  
“ ministrators, and Assigns, such Proportion of the Tolls  
“ arising by virtue of the said Act as the said Sum of  
“ \_\_\_\_\_ doth or shall bear to the whole Sum ad-  
“ vanced or to be advanced on the Credit of the said Tolls,  
“ to hold unto the said A. B. his Executors, Adminis-  
“ trators, and Assigns, during the Continuance of the  
“ said Act, redeemable nevertheless by the said Trustees,  
“ on Payment of the said Sum of \_\_\_\_\_ with In-  
“ terest, after the Rate of \_\_\_\_\_ for One hundred  
“ Pounds by the Year. In Witness whereof we have  
“ hereunto set our Hands and Seals, this \_\_\_\_\_ Day of  
“ \_\_\_\_\_

And all such Mortgages or Assignments shall be valid and effec-  
tual in the Law, and Copies thereof shall be entered in a Book  
to be kept for that Purpose by the Clerk to the said Trustees,  
but Notice in Writing of every Meeting for borrowing Money  
as aforesaid shall be affixed on the several Turnpikes which shall  
be then standing on the said Roads, at least Fourteen Days before  
such Meeting; and all and every Person and Persons to whom  
such Assignments or Mortgages shall be made as aforesaid, or who  
shall be entitled to the Money thereby secured, may from Time  
to Time transfer the same, and his and their Right, Title, and  
Interest



Interest to the Principal and Interest thereby secured, to any Person or Persons whomsoever, either by a separate Instrument, or by Indorsement on such Security, in the Form or to the Effect following:

" I *A. B.* to hereby transfer the within Mortgage [*if by In-*  
 " *dorsement*] or [*if by a separate Instrument*] a certain Mort-  
 " gage, bearing Date the                      Day of  
 " of the Tolls arising by virtue of an Act of Parliament  
 " made in the Thirty-first Year of the Reign of King  
 " *George the Third*, intituled [*Insert the Title of the Act*]  
 " and all my Right and Title to the Principal Money  
 " and Interest thereby secured, unto *C. D.* his Executors,  
 " Administrators, and Assigns. Dated this                      Day  
 " of

And every such Transfer shall be valid and effectual in the Law, and shall be produced and notified to the said Clerk, who shall cause an Entry to be made thereof, containing the Dates, Names of the Parties, and Sums of Money, in the Book to be kept for entering the original Securities, for which the said Clerk shall be paid the Sum of Two Shillings, and no more; and after such Entry made every such Transfer shall entitle the Person or Persons to whom the same shall be made, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and it shall not be in the Power of any Person making any such Transfer to make void, release, or discharge the same, or any Money thereby due; and all Persons to whom such Mortgages, Assignments, or Transfers shall be made as aforesaid, shall be, in Proportion to the Sums therein respectively mentioned, Creditors on the said Tolls, in equal Degree one with another, and shall have no Preference in respect to the Priority of advancing any such Money, or the Dates of any such Mortgages or Assignments.

Application  
of Money.

And be it further Enacted, That out of the first Money arising by the Tolls which shall be collected by virtue of this Act, or out of the first Money which shall be borrowed upon the Credit thereof, the said Trustees, or any Five or more of them, shall, in the First Place, pay and defray the Charges and Expences incident to and attending the obtaining and passing of this Act, and after Payment thereof all the Money which shall arise or come to the Hands, Custody, or Power of the said Trustees, or their



their Treasurer, by virtue of this Act, shall from Time to Time be applied in erecting Turnpikes and Toll Houses, and in opening, and making, and fencing the said new Carriage Road from *Milford* to *Stainton*, and in amending, widening, and repairing the said Road from the said new Road through *Stainton* and *Johnson* to *Merlin's Bridge*, and keeping the said Road in Repair, and in defraying all necessary Costs, Charges, and Expences attending the same, and the Execution of this Act, and to no other Use or Purpose whatsoever.

And be it further Enacted, That it shall be lawful for the Surveyor or Surveyors to be appointed by virtue of this Act, or for any other Person or Persons by him or them, or by the said Trustees, or any Five or more of them, for that Purpose employed, to cut, dig, gather, take, and carry away any Materials for repairing the said Roads in, upon, or out of or from any Waste Grounds or Commons, in any Parish or Place adjoining or lying near to the said Road, without paying any Thing for the same, such Surveyor or Surveyors, or other Person or Persons, filling up the Pits and Holes, and levelling the Ground, or making a sufficient Fence to prevent any Misfortune or Accident happening in the Pits or Holes from whence such Materials shall be taken, or causing the same to be done, and if a Quantity of Materials sufficient for that Purpose cannot be found in or upon such Waste Grounds or Commons, then and in such Case to cut, dig, gather, take, and carry away any Quantity or Quantities of such Materials in, upon, out of, from, and over any Lands or Grounds of any Person or Persons, where the same may be had or found, to be used towards making and repairing the said Road (such Lands or Grounds not being a Yard, Garden, Orchard, Park, Paddock, Avenue to a House, Wood, Coppice, or Nursery of Trees) such Surveyor or Surveyors, or other Person or Persons, paying or offering to pay to the respective Owners and Occupiers of such Lands or Grounds such Satisfaction for such Materials, and for the Damage to be occasioned in getting and carrying away the same, as the said Trustees, or any Five or more of them, shall think reasonable; and in case of any Difference between the said Trustees, or their Surveyor, or other Person or Persons by them appointed as aforesaid, and any such Owner or Occupier, or any of them, concerning the Amount of such Satisfaction, any Two or more Justices of the Peace of the County or Place wherein such Lands or Grounds shall be situate, shall and may, on Five Days Notice thereof, to be given by such Surveyor

Power to get  
Materials.

D to



to such Owner or Occupier, or by the said Owner or Occupier to the said Surveyor, to be left at their respective Places of Abode with some or One of their respective Families, hear, settle, and determine the Amount of the said Satisfaction, and the Judgment or Order of the said Justices therein shall be final and conclusive to all Parties.

Surveyors  
may make  
Causeways.

And be it further Enacted, That the said Trustees, or any Five or more of them, or the said Surveyor or Surveyors, or any Person or Persons by them or any of them appointed or employed, may and is and are hereby authorized and empowered to make Causeways in or along the Sides of any Part or Parts of the said Road, and to cut any Watercourses in, through, or across any Lands or Grounds, in order to drain or prevent the said Road, or any Part or Parts thereof, from being overflowed, and erect Bridges over such Drains or Watercourses if necessary, and also such other Bridges as they shall think necessary, and also to make a Road or Way by, through, or over the Grounds adjoining to any narrow or ruinous Parts of the said Roads (not being the Scite of or Ground whereon any House or other Building stands, or a planted Walk, Yard, Park, Paddock, or Avenue to any House) to be made Use of by all Persons with Carriages and Cattle, or otherwise, as a public Road, whilst the old and ruinous Road is widening and repairing, and until it shall be rendered convenient and safe for Carriages and Cattle to pass the same, making such reasonable Satisfaction to the Owners and Occupiers of such Lands or Grounds, for the Damages they shall thereby sustain, as to the said Trustees, or any Five or more of them, shall seem reasonable; and in case of any Difference concerning the Amount or Value of such Damages, the same shall be settled and finally determined in like Manner as hereinbefore directed with respect to the Damages to be occasioned in getting Materials for repairing the said Roads.

Annoyances  
to be re-  
moved.

And be it further Enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, to remove any Annoyances on the said Roads, and to cut down any Trees and Bushes growing in the said Road, the Owners or Occupiers of the adjoining Lands, or the Persons who ought to remove such Annoyances, neglecting to cut down such Trees or Bushes, or to remove such Annoyances, for the Space of Ten Days after Notice given in Writing for that Purpose, under the Hand of any such Surveyor, the Charges whereof shall



shall be reimbursed to the said Surveyor or Surveyors, by such Owners or Occupiers neglecting to cut down such Trees or Bushes, or to remove such Annoyances as aforesaid; and in case any such Owner or Occupier shall not, upon Demand, pay and reimburse to any such Surveyor such Charges as aforesaid, it shall be lawful for such Surveyor, by Warrant under the Hand and Seal of any Justice of the Peace for the County wherein such Part of the said Road from or upon which such Annoyance shall be removed, or Trees or Bushes cut down, shall be situate, to levy the Charges thereof upon such Owner or Occupier by Distress and Sale of his Goods and Chattels, rendering the Overplus (if any be) to the Owner of such Goods and Chattels, upon Demand, after all Charges paid; and if any Person shall wilfully occasion any Annoyance in or upon any Part of the said Roads, every such Person shall for every such Offence forfeit and pay the Sum of Forty Shillings.

And be it further Enacted, That if any Person who of Right ought to scour and cleanse any Ditch, Drain, or Watercourse, which shall adjoin to, or lead into or out of any of the said Roads, shall not in a proper Manner cause the same to be scoured and cleansed within the Space of Ten Days next after Notice in Writing shall for that Purpose be given to him or her, or be left at his or her Place of Abode, by any Surveyor to the said Trustees, then any such Surveyor may cause such Ditches, Drains, and Watercourses, to be scoured and cleansed, and pay for scouring and cleansing the same, and if the Person who ought to have scoured and cleansed the same as aforesaid shall not re-pay the Money paid by such Surveyor, upon Demand thereof made, either in Person, or by Writing to be left at his or her Place of Abode, the said Money shall and may, by Warrant under the Hand and Seal of any Justice of the Peace for the County or Place where such Person shall reside, be levied by Distress and Sale of the Goods and Chattels of such Person, rendering the Overplus (if any be) to the Owner thereof upon Demand, after all Charges paid.

Watercourses  
to be  
cleansed.

And be it further Enacted, That the said Trustees, or any Five or more of them, may and are hereby authorized and empowered to open and widen, and to turn and alter the Course of any Part or Parts of the said Road, and to carry and make the same in, through, or over any Common, Moor, or Waste Grounds, without making any Satisfaction for the same, and also in, through,

Road may be  
widened or  
altered.



through, or over any private Lands or Grounds, first making Satisfaction to the Owners of and Persons interested therein, for the Damage they may sustain thereby, and for that Purpose it shall be lawful for the said Trustees, or any Five or more of them, to treat, contract, and agree with the Owners of and Persons interested in any Lands or Grounds for the Purchase thereof, or for the Loss or Damage such Owners or Persons interested, or any of them, shall and may anyways sustain by such opening, widening, turning, or altering any Part of the said Road, and it shall be lawful for all Bodies Politic and Corporate, and all Husbands, Guardians, Trustees, Committees, Executors, and Administrators, for or on Behalf of themselves, their Heirs and Successors, and of any Infants, Femes Covert or Cestuique Trusts, and for all and every Person or Persons who are or shall be seised, possessed of, or interested in any such Lands or Grounds, to contract and agree with the said Trustees, or any Five or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey to them any such Lands or Grounds, as Occasion shall be or require, and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid and effectual in the Law, to all Intents and Purposes whatsoever, any Law, Usage, or other Matter or Thing to the contrary notwithstanding, and all such Bodies Politic, or Husbands, Guardians, Trustees, Committees, Executors, and Administrators, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act, but if any such Corporation, Husbands, Guardians, Trustees, Committees, Executors, Administrators, or other Persons interested as aforesaid, upon Notice to them given, or left in Writing at the Dwelling Houses or Places of Abode of such Persons, or of the principal Officer of any such Corporation, or at the House of the Tenant in Possession of any Lands or Grounds intended to be made Part of the said Road, or into, over, or through which any Part of the said Road is intended to be turned or altered as aforesaid, shall for the Space of Thirty Days next after such Notice refuse to treat, or shall not agree in the Premises, or by Reason of Absence, or otherwise, shall be prevented from treating, then such Damage and Satisfaction shall be enquired into and ascertained by a Jury at some General Quarter Session of the Peace for the County wherein such Lands shall be situate, and the Justices at such Session shall and are hereby authorized and required, upon Application made to them for that Purpose by any of the said Trustees, or their Treasurer or Clerk, to charge a Jury, and to cause



## [ 17 ]

cause them to be sworn well and truly to enquire into and ascertain such Damage and Satisfaction as aforesaid, to which said Jury any of the Parties interested shall have their lawful Challenges when they come to be sworn; and any Justice of the Peace for such County is hereby authorized and impowered, upon Application to him by any of the Parties interested, by Warrant under his Hand and Seal to call before the Justices at such Session any Person or Persons who shall be thought proper to be examined concerning the Premises, and the said Jury upon their Oaths shall enquire touching the Value or Amount of such Damage, and shall ascertain the Satisfaction to be made for the same, and the said Justices shall and may give Judgment for the Money so to be ascertained; which Verdict of the said Jury, and the Judgment thereupon, shall be binding and conclusive to all Intents and Purposes, upon all Parties interested, and shall be fairly entered and kept amongst the Records of the Quarter Sessions for such County: Provided nevertheless, that previous to any such Application to the Quarter Sessions aforesaid, Ten Days Notice at the least shall be given in Writing to the Owner, or other Person or Persons interested in such Lands or Grounds as aforesaid, by the Clerk or Treasurer to the said Trustees, of such intended Application to the said Quarter Sessions, and the Justices at any such Session have hereby full Power to impose any reasonable Fine on any Person, who being summoned in Manner aforesaid to give Evidence before the said Justices touching the Premises, shall refuse or neglect to appear, or appearing shall refuse to be examined and give Evidence, so as no such Fine shall exceed the Sum of Five Pounds for One Offence.

And be it further Enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid shall be paid out of the Tolls or other Money arising by virtue of this Act, to the Person or Persons entitled thereto, or to his, her, or their Agent or Agents, and upon Payment thereof, or (in case of Refusal to accept the same, or the Parties not being to be met with) upon leaving the same in the Hands of the Treasurer to the said Trustees, for the Use of such Person or Persons, and after Ten Days Notice thereof given to such Person or Persons, or his, her, or their Agent or Agents, or left at his, her, or their, or any of their usual Place or Places of Abode, or with the Tenant in Possession of the Lands or Grounds, such Lands or Grounds shall be laid into and made Part of the Road, in such Manner as the said Trustees, or any Five or more of them, shall direct, and shall be sufficiently ditched, fenced, and set out for that Purpose, and

Upon Payment of the Purchase Money the Land to be laid into the Road.

E

shall



shall to all Intents and Purposes become, and be deemed and taken to be a Common Highway, and shall from thenceforth for ever be deemed Part of the Road by this Act directed to be amended and kept in Repair, and all Parties and Persons shall for ever thereafter be divested of all Right and Title to such Lands or Grounds, and whenever the said Road shall be altered as aforesaid, the Land constituting the old or former Road shall be vested in the said Trustees, and shall or may be stopped up or left unrepaired, or shall be by them, or any Five or more of them, sold and disposed of to any Person or Persons for the best Price that can be reasonably gotten for the same, and the Money arising by such Sale shall be applied for the Purposes of this Act, and the Conveyance to be made of such Land, being executed by any Five or more of the said Trustees, and inrolled with the Clerk of the Peace, shall be good and effectual in the Law to all Intents and Purposes whatsoever.

No House,  
&c. to be  
damaged.

**Provided always,** That in widening, or turning, or altering the Course of any Part of the said Road, nothing shall be done which shall or may in any ways injure or damage any House or other Building, or any Yard, Garden, Orchard, Park, Plantation, or Nursery of Trees, or any Walk of Trees, or Avenue to any House, unless the Owner or Proprietor thereof shall consent thereto.

Money be-  
longing to  
Corpora-  
tions, &c. to  
be laid out  
in Purchase  
of other  
Estates.

**And be it further Enacted,** That the Money or Satisfaction to be paid for any Lands which shall be taken or used for the Purposes of this Act, belonging to any Corporation or other incapacitated Persons, shall be paid to such Person or Persons as such Corporation, or the Guardians, Trustees, Committees, or Attornies of such incapacitated Persons, shall respectively nominate and appoint to receive the same, in Trust with all convenient Speed to be reinvested in the Purchase of other Lands or Hereditaments, which shall be conveyed and settled upon and subject to the like Uses, Trusts, and Limitations, as the Lands belonging to such Corporation, or other incapacitated Persons, shall be then settled, limited, or assured.

Statute  
Work.

**And be it further Enacted,** That all Persons who by Law are subject and liable to do Statute Work towards amending the said Roads, or to pay any Sum or Sums of Money in lieu of, or as a Composition for the same, shall still remain subject and liable thereto, and shall do their Statute Work upon the said Road in their respective Parishes, or pay such Money in lieu of or as a Composition



## [ 19 ]

Composition for the same, in like Manner as they would have been subject and liable, and ought to have done, in case this Act had not been made; and it shall be lawful for the said Trustees, or any Five or more of them, and they are hereby authorized and required to empower their Surveyor or Surveyors to summon the Surveyor or Surveyors of the Highways of and for the respective Parishes within which the said Road lies, or in case no Surveyor shall be appointed for any such Parish, then to summon the Churchwardens or Overseers of the Poor of such Parish to deliver, in Writing, to the said Trustees, or to their Surveyor or Surveyors, at some Place to be expressed in such Summons, within Four Days after the serving of such Summons, a List of the Names of the several Persons within the said Parishes respectively who are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams and Draughts, or otherwise, and also the Amount of the respective Sums to be so paid, out of which List the said Trustees, or any Five or more of them, shall and may order and direct such and so many of the Persons who shall appear to be subject and liable to the Performance of Statute Work as aforesaid to do their Statute Work on the said Roads on such Days and at such Times (not being Hay Time or Harvest) and in such Parts thereof, as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint, so that no more than Four Days Work shall be done on any of the said Roads in any One Year by any One Person; and the said Trustees, or any Five or more of them, shall and may also order and direct such and so many of the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof (not exceeding Two Third Parts) as the said Trustees, or any Five or more of them, shall think proper, to the Treasurer to the said Trustees, at such Time or Times as they shall direct, and in Default of Payment thereof the same shall and may be recovered in like Manner as any Penalty is hereinafter authorized or directed to be recovered; and if any Person shall neglect or refuse to do the Statute Work so ordered and directed to be done as aforesaid, every such Person liable to do such Statute Work with a Team or Draught shall, for every Day he shall make Default, forfeit the Sum of Five Shillings for every such Team or Draught, and every Householder and Person liable



to do such Statute Work as a Labourer only, making Default, shall forfeit the Sum of One Shilling and Six Pence for every Day's Default, and if any Person who shall come to work as a Labourer, or be sent with any Team or Draught to work on any of the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby impowered and required to turn off such Person, and it shall be deemed as if such Person had not come or been sent to work on the said Road, and he shall be subject to the like Penalty and Forfeiture as if he had neglected to do or perform the said respective Day's Work on the said Road as aforesaid; and in case any Surveyor of the Highways, Churchwarden, or Overseer of the Poor, shall refuse or neglect to give in such List as aforesaid, he shall, for every such Refusal or Neglect, forfeit and pay the Sum of Forty Shillings.

Statute Work  
may be com-  
pounded for.

**Provided always,** That it shall be lawful for the said Trustees, or any Five or more of them, to compound, for any Term not exceeding Three Years at any One Time, with any Person or Persons for the Performance of his, her, or their Statute Work upon the said Roads, and it shall also be lawful for the Surveyors of the Highways, Churchwardens, and Overseers of the Poor of any of the said Parishes, to compound and agree with the said Trustees, or any Five or more of them, for and in lieu of the Statute Work which ought to be performed by such Inhabitants upon any Part of the said Road, all which Composition Money shall be paid Annually in Advance to the Treasurer to the said Trustees, and shall be applied for the Purposes of this Act, and all such Surveyors of the Highways, Churchwardens, and Overseers of the Poor, shall be reimbursed the Money so by them paid, in such Manner as the Surveyors of the Highways are by the Laws in being to be reimbursed the Money by them expended in buying Materials for repairing the Highways, Copies of all which Compositions or Agreements so to be made by the said Trustees as aforesaid shall be entered at Length in the Book to be kept for entering the Proceedings of the said Trustees as hereinafter mentioned.

Justices, upon  
Appeal, to  
determine  
the Proportion of Sta-  
tute Work.

**Provided also,** and be it further Enacted, That if the Surveyor or Surveyors of the Highways of any of the Parishes wherein the said Road doth lie shall think the said Trustees have directed or appointed too large a Proportion of the Statute Work in any such Parish to be done on the said Road, it shall be lawful for such Surveyor or Surveyors of the Highways to appeal to the Quarter Sessions



Sessions of the Peace to be holden for the County wherein such Parish shall be situate, next after such Direction or Appointment, unless the same shall be made within Eight Days preceding such Quarter Session, and then to the Second Quarter Session next after such Direction or Appointment, and the Justices in such Session are hereby authorized and impowered finally to adjust and determine what Proportion of the Statute Work in such Parish shall be done on the Road, such Surveyor or Surveyors of the Highways having first given Eight Days Notice of such Appeal to any Surveyor to the said Trustees.

Provided also, and be it further Enacted, That all County Bridges over which the said Road leads shall be repaired and kept in Repair in the same Manner as they ought to have been repaired and kept in Repair in case this Act had not been made.

County  
Bridges to be  
repaired as  
usual.

And be it further Enacted, That the said Trustees, or any Five or more of them, may and are hereby impowered and required to cause the said Road to be measured, and Stones or Posts to be set up on the Sides thereof, with Inscriptions thereon, denoting the Distance of every such Stone or Post from any Town or Place, as they shall think fit, and may also, if they think proper, erect Posts at the several Highways leading out of the said Road, with Inscriptions thereon, denoting to what Places the said Highways respectively lead, and if any Person shall wilfully or designedly break, pull down, dig up, injure, or destroy any such Stone or Post, or erase, obliterate, or deface any Inscription thereon, or cause or procure the same to be done, every Person so offending shall forfeit and pay the Sum of Forty Shillings for every such Offence, One Moiety whereof shall be paid to the Informer.

Roads to be  
measured,  
and Mile  
Stones set up.

And be it further Enacted, That if any Person shall cause to be haled or drawn upon any Part of the said Road any Tree or Piece of Timber, or any Stone (Mill Stones excepted) otherwise than upon Wheel Carriages or Sledges, or shall suffer any Part of any Tree or Piece of Timber which shall be conveyed upon any Wheel Carriage to drag on any Part of the said Road, to the Prejudice thereof, every such Person shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings.

Penalty on  
dragging  
Timber.

And be it further Enacted, That all Penalties and Forfeitures by this Act imposed (the Manner of levying and recovering  
F whereof

Recovery of  
Penalties.



whereof is not otherwise particularly directed) shall upon Proof of the Offences respectively before any Justice of the Peace for the County wherein the Offences respectively shall be committed, or the Offenders shall be or reside, either upon the Confession of the Parties respectively, or by the Oath of any credible Witness, be levied by Distress and Sale of the Goods and Chattels of the respective Parties offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby authorized and required to grant, and also to administer such Oath *gratis*) and the Overplus, after such Penalties and Forfeitures are recovered, and the Charges of levying and recovering the same shall have been deducted, shall be returned on Demand to the Owners of such Goods and Chattels, and such Penalties and Forfeitures (if not otherwise directed to be applied by this Act) shall from Time to Time be paid to the Treasurer to the said Trustees, and applied for the Purposes of this Act; and in case sufficient Distress cannot be found, or any such Penalty or Forfeiture shall not be forthwith paid, it shall be lawful for any such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause the Offender or Offenders to be committed to the House of Correction or Common Gaol, for any Time not exceeding Three Calendar Months, unless such Penalty or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

And be it further Enacted, That every Justice of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form, or to the like Effect (that is to say)

Form of  
Conviction.

" County of  
to wit. }

" Be it remembered, That on \_\_\_\_\_ Day  
" of \_\_\_\_\_ in the \_\_\_\_\_ Year of the Reign  
" of His Majesty \_\_\_\_\_ A. B. is con-  
" victed before me C. D. One of His Majesty's  
" Justices of the Peace for \_\_\_\_\_ by  
" virtue of an Act of Parliament made in the  
" Thirty-first Year of the Reign of King George  
" the Third, intituled [*Set forth the Title of the*  
" *Act, and specify the Offence, and Time and Place*  
" *when and where the same was committed.*] Given  
" under my Hand and Seal the Day and Year  
" first above written."

Provided



**Provided always, and be it further Enacted,** That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act (and for which no particular Method of Relief hath been already appointed) such Person may within the Space of Three Calendar Months next after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace at any General Quarter Session of the Peace to be holden for the County wherein the Cause of Appeal shall arise, every such Appellant first giving, or causing to be given, Eight Days Notice at the least in Writing of his or her Intention to bring such Appeal, and of the Cause or Matter thereof, to the Clerk or Treasurer to the said Trustees, and within Three Days next after such Notice entering into a Recognizance before some Justice of the Peace for such County, with Two sufficient Sureties, conditioned to try such Appeal, and to pay such Costs as shall be awarded by the Justices at such Session, and the said Justices at such Session, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of every such Appeal in a summary Way, and award such Costs to the Party appealing or appealed against as the said Justices shall think proper, and the Determination of such Session shall be binding and conclusive to all Intents and Purposes.

Persons aggrieved may appeal to Quarter Sessions.

**And be it further Enacted,** That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party making the same be deemed a Trespasser, on Account of any Defect or Want of Form in the Summons, Conviction, Notice, Warrant of Distress, or other Proceeding relating thereto, nor shall the Party distraining be deemed a Trespasser, *ab initio*, on Account of any Irregularity which shall be afterwards done by the Party distraining, but the Person aggrieved by such Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case; and that no Order made touching or concerning any of the Matters aforesaid, or any other Proceedings to be had touching the Conviction of any Offender against this Act, shall be quashed or vacated for Want of Form only, or be removed or removeable by *Certiorari*, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record: Provided always, that no Plaintiff shall recover in any Action for any such Irregularity as aforesaid, if Tender of sufficient Amends hath been made by or on the Behalf of the Party distraining before such Action brought.

Distress not unlawful for Want of Form.

And



Proceedings  
of Trustees  
to be record-  
ed.

And be it further Enacted, That all Orders and Proceedings of the said Trustees in the Execution of this Act shall from Time to Time be entered in a Book to be kept for that Purpose, and such Orders and Proceedings so entered, being signed by the Clerk to the said Trustees, shall be deemed and taken to be Originals, and the said Book, and also the Book directed to be kept for registering the said Mortgages or Assignments and Transfers, shall and may be produced and read in Evidence in all Courts whatsoever.

Saving the  
Rights of Sir  
*William*  
*Hamilton* as  
Lord of the  
Manor.

Provided always, and be it further Enacted and Declared, That nothing in this Act shall be construed to alter, lessen, or take away, or otherwise affect any Privileges, Benefits, or Jurisdictions granted by an Act of the last Sessions of Parliament, or in any other Manner, belonging to Sir *William Hamilton*, Knight of the Bath, and Lord of the Manors and Liberties of *Hubberston* and *Pill*, his Heirs and Assigns, excepting only the Power to the Trustees appointed by this Act to open and make the new Road from *Milford* to *Stainton*, and repair the same, but that the said Privileges, Benefits, or Jurisdictions may be held, enjoyed, and exercised in as full, ample, and beneficial a Manner (except as before excepted) as if this Act had not been made.

The Manner  
in which the  
Works are to  
be proceeded  
in.

And be it further Enacted, That the said Trustees shall in the First Place begin the Repairs of the said Road at *Merlin's Bridge*, and continue the same from thence through *Johnson* and *Stainton*, and shall then forthwith open and make a new Carriage Road from thence to the West End of *Milford* aforesaid.

Sir *William*  
*Hamilton* and  
Lord *Kensington*  
to appoint  
the Surveyors,  
if called upon  
to make good  
any Defi-  
ciency in the  
Money neces-  
sary for com-  
pleting the  
Roads.

And whereas it may happen that the Money already subscribed, or to be subscribed for the Purposes aforesaid, may not be sufficient to defray the Expence thereof: And whereas, in case of any such Deficiency, the said Sir *William Hamilton*, and *William* Lord *Kensington* in the Kingdom of *Ireland*, have engaged to make up the same in equal Proportions: Be it therefore further Enacted, That in case the said Trustees shall require the said Sir *William Hamilton* and the said Lord *Kensington* to advance and pay such Sum of Money as, together with the Money then subscribed, shall from an accurate Estimate, to be delivered to them within Twelve Months next after the First Meeting of the said Trustees, appear to be necessary for making up the said Deficiency, that then it shall be lawful for the said Sir *William Hamilton* and Lord *Kensington* to nominate and



and appoint the Surveyor or Surveyors for the said Road, until such Time as the Money which shall have been advanced by them to make up such Deficiency shall be repaid, any Thing in this Act contained to the contrary thereof notwithstanding.

And be it further Enacted, That the several Persons who have subscribed or shall subscribe Money towards amending and repairing the said Road, or for or towards defraying the Expences of obtaining and passing this Act, shall and are hereby required to pay the respective Sums so subscribed within such Time or Times, and in such Parts and Proportions, as the said Trustees, or any Five or more of them, shall order and direct, and the same shall be paid to the Treasurer to the said Trustees, and if any such Subscriber shall neglect or refuse to pay such Money within the Time or Times, and in Manner aforesaid, it shall be lawful for the said Trustees, or any Five or more of them, to sue for and recover the same in the Name of their Treasurer or Clerk, by Action of Debt or on the Case, in any of His Majesty's Courts of Record.

Power to  
compel Pay-  
ment of Sub-  
scriptions.

And be it further Enacted, That if any Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, the same shall be brought within Three Calendar Months next after the Fact committed, and shall be laid or brought in the County where the Cause of such Action shall arise, and the Defendant or Defendants in every such Action or Suit shall and may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act, and if the same shall appear to be so done, or if such Action or Suit shall be brought after the Time before limited for bringing the same, or shall be laid or brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants therein, and upon such Verdict, or if the Plaintiff or Plaintiffs shall become non-suited, or discontinue his, her, or their Action, after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for the same as any Defendant hath for recovering Costs of Suit in any other Case by Law.

Limitation  
of Actions.

G

And



Commence-  
ment and  
Continuance  
of the Act.

Public Act.

And be it further Enacted, That this Act shall commence and take place upon the Twenty-third Day of *May* One thousand Seven hundred and Ninety-one, and shall remain in Force and have Continuance for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament; and that this Act shall be deemed, adjudged, and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons, without specially pleading the same.



London  
Printed by J. Smith, in the Strand  
1808



A C T

F O R

Opening a new Road from *Milford*, in the  
County of *Pembroke*, to *Stainton*; and for  
Amending and Widening the Road from  
the said new Road through *Stainton* and  
*Jobnson*, to *Martin's Bridge*, in the same  
County.

---

31 Geo. III,  
1791.



